

FILED ^{LR}

MAY - 7 2004

LARRY W. PROPPS, CLERK
CHARLESTON, SCIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISIONR. MARCUS HUFF, JR. Individually)
and as Personal Representative of the)
Estate of Elaine F. Huff, Deceased,)
Plaintiffs,)

Civil Action No. 1:04-1279-24

v.)

DEFENDANTS' RETURN TO ORDER
CONCERNING REMOVALCENTOCOR, INC.; JOHNSON &)
JOHNSON; ORTHO-McNEIL)
PHARMACEUTICAL, INC.;)
MANUFACTURERS A-Z, and)
DISTRIBUTORS A-Z,)
Defendants.)

Defendants, Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc., hereby file this Return to Order Concerning Removal.

Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc., are the only named Defendants in this civil action filed in the Circuit Court for the Second Judicial Circuit, Aiken County, South Carolina, Case No. 04-CP-02-454 (the "State Court Action"). The Plaintiff included fictitious name designations for "Manufacturers A-Z" and "Distributors A-Z" as potential Defendants, but Plaintiffs have not named any additional specific Defendants other than Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc.

1. A copy of the Summons and Complaint was first received by and served on Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc., on March 26, 2004.
2. See Response to No. 1.
3. No Defendants who have been served are citizens of the state in which this court

sits.

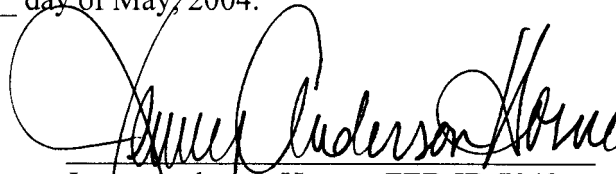
4. The amount in controversy in this civil action is not specifically pled in the Complaint. However, the plaintiffs seek damages for pain and suffering, mental anguish, wrongful death, punitive damages, and damages for alleged unfair practices. Given the Plaintiffs' allegations in the Complaint, the Defendants reasonably believe that the amount of damages sought by the Plaintiffs in this action, and therefore, the amount in controversy, exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs.

5. Not applicable in the present case because removal took place within thirty (30) days after Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc., were first served with the Summons and Complaint. See 28 U.S.C. §1446(b).

6. Not applicable in the present case because removal took place within thirty (30) days after Centocor, Inc., Johnson & Johnson, and Ortho-McNeil Pharmaceutical, Inc., were first served with the Summons and Complaint. See 28 U.S.C. §1446(b).

7. All Defendants served at the time of removal joined in the notice of removal.

Respectfully submitted, this 7th day of May, 2004.



Jenny Anderson Horne, FED ID 7048

J. Drayton Hastie, III, FED ID 7203

Fed. ID No. 7203

Attorneys for Defendants

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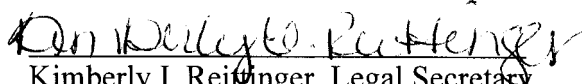
Facsimile: (843) 727-2680

CERTIFICATE OF SERVICE

This is to certify that on this date I served a copy of the foregoing **Defendants' Return to Order Concerning Removal** on the opposing party and co-defendant to this action by depositing a copy thereof in the U.S. Mail, postage prepaid, and addressed as follows:

Fred Thompson, Esq.
Cindi Solomon
Motley Rice LLC
28 Bridgeside Boulevard
Post Office Box 1792
Mount Pleasant, SC 29465

This 7th day of May, 2004.


Kimberly I. Reiteringer, Legal Secretary
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